

DATE OF DETERMINATION	Thursday, 18 April 2019
PANEL MEMBERS	Garry West (Chair), Pamela Westing and Stephen Gow
APOLOGIES	Robert Hayes
DECLARATIONS OF INTEREST	Daniel Simpson declared a conflict of interest as he has a business relationship with the applicant.

Public meeting held at Broadwater Community Hall on 18 April 2019, opened at 10.30am and closed at 11.08am.

MATTER DETERMINED

2018NTH011 – Richmond Valley Council – DA2018/0188 at 65 Broadwater Quarry Road, Broadwater – expansion of extractive industry (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development will have limited adverse environmental impact;
- The proposed development complies with the relevant legislative requirements as further advised at the meeting; and
- The adopted conditions and GTA's address the relevant compliance issues associated with the quarry.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1 was amended to reference relevant documents, as well as approved plans in the development approval.
- Condition 2 was amended to clarify approved truck movements on Saturdays and to restrict crushing on site until the applicant is able to demonstrate compliance with the approved noise GTA's.
- Condition 9 was amended to clarify that truck movements per hour are subject to the maximum daily movements.
- Condition 18 was amended to require the preparation of a dilapidation survey of an adjoining residence.

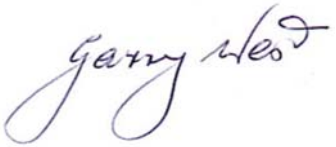

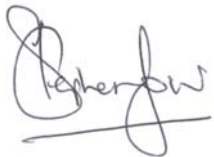
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Air quality impact from dust and vehicle/plant emissions
- Noise and vibration from extractive activities and transport operations

- Road safety and traffic impacts
- Road safety regarding the cycle path and footpath
- Hazardous chemicals stored on site
- Visual impacts
- Concerns that increased extraction rate is not enforceable
- Non-compliance with existing conditions
- Monetary contributions too low

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that many of these concerns are addressed in the Quarry Environmental Management Plan, and that it identifies mitigation measures and strategies to be incorporated into the daily operations of the quarry site. In addressing the issues raised during the public meeting the Panel added a condition to require a dilapidation report in respect of the residence nearest the quarry. The Panel also noted that the recommended conditions 35 & 36 addressed the road conditions issues raised at the public meeting.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH011 – Richmond Valley Council – DA2018/0188
2	PROPOSED DEVELOPMENT	Expansion of existing extractive industry from 70,000 tonnes to 490,000 tonnes per annum for up to 25 years
3	STREET ADDRESS	65 Broadwater Quarry Road, Broadwater
4	APPLICANT/OWNER	Quarry Solutions P/L c/- Groundworks plus W O McGeary & M F McGeary
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (Rural Lands) 2008 State Environmental Planning Policy No 26 – Littoral Rainforests State Environmental Planning Policy No 14 – Coastal Wetlands State Environmental Planning Policy No 71 – Coastal Protection Richmond Valley Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Richmond Valley Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 26 March 2019 Written submissions during public exhibition: 17 Supplementary Report: 17 April 2019 Verbal submission at the public meeting: <ul style="list-style-type: none"> In support – NIL In objection – Ross Clarke Council assessment officer - Debra Manendis On behalf of the applicant – NIL
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 18 April 2019 Final briefing to discuss council's recommendation, 18 April 2019, 9.50am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Garry West (Chair), Pamela Westing and Stephen Gow <u>Council assessment staff</u>: Debra Manendis, Town Planner; Brian Eggins, Senior Development Engineer; Andy Edwards, Acting

		Manager, Development & Environment; and Ryan Slater, Building Surveyor.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached as Scheduled 2, as amended at the meeting.

SCHEDULE 2

The conditions of consent are set out as follows:

1. In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions;
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions; and,
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions.

And be substantially in accordance with the stamped approved plans and documents;

- Environmental Impact Statement dated January 2018 prepared by GROUNDWORK plus,
- Quarry Environmental Management Plan dated November 2017 prepared by GROUNDWORK plus, reference 1899_610_001_V3, as amended by condition 13;
- Traffic and Pavement Impact Assessment Report dated November 2017 with amendment dated 17 August 2018, prepared by TRAFFIC TRANSPORT plus reference 10007:730;
- Water Management Plan dated December 2017, prepared by GROUNDWORK plus, reference 1899.610.006;
- Air Quality Assessment and Management Plan dated January 2018, prepared by GROUNDWORK plus, reference 1899.620.001;
- Noise and Blasting Assessment dated 16 October 2017, prepared by Noise Measurement Services, report number 3935R1;
- Biodiversity Assessment Report dated 06/11/2017, prepared by BAAM Ecological Consultants, File Number0049/098;
- Aboriginal Cultural Heritage Assessment Report dated 21 January 2018, prepared by New South Wales Archaeology Pty Ltd;
- Conceptual site plan layout drawing number 1899. DRG.002 Revision 2, dated 01-09-16 prepared by GROUNDWORK plus;
- Cross Sections drawing 1899.DRG.020A, prepared by GROUNDWORK plus, dated 30 July 2018;
- Rehabilitation Plan Drawing Number 1899.DRG.006, prepared by GROUNDWORK plus, dated 25 January 2018.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the condition of this development consent prevails.

Copies of the approved plans are attached to this consent.

Reason: To correctly describe what has been approved. (EPA Act Sec 4.15)

APPROVAL LIMITS

2. To confirm and clarify the terms of this approval, development consent is given for the undertaking of the following works:

- Maximum processing capacity for crushing, grinding or separating works of no more than 490,000 t per annum for a period of 5 years.
- A further 20 years at a maximum extraction rate of 70,000t per annum.
- The quarry will have a finite expiry date of 25 years from the date of this development consent.
- Maximum number of 102 truck movements (includes loaded out and unloaded in) per day Monday-Friday) along Broadwater Quarry Road. Saturday, as a reduced operating day, is restricted to a total of 51 truck movements (includes loaded out and unloaded in).
- There is no limit on truck movements direct to the Pacific Highway Upgrade corridor;
- Rehabilitation of the site to be undertaken in stages as the development permits.
- Crushing is not to occur on site (except for a noise monitored test crush) until such time as the applicant can demonstrate that crushing can meet compliance with the noise limits set by the General Terms of Approval of the NSW Environment Protection Authority Conditions No. L6.1 and L6.2.

Reason To correctly described what has been approved (EPA Act Sec 4.15).

HOURS OF OPERATION

3. **Hours of operation shall be limited to the hours set out in the table.**

Quarry Operations and Transportation	Monday to Friday	7am to 6pm
	Saturday	8am to 12 midday
	Sunday or Public Holidays	No operations or transportation

Reason: To correctly describe what has been approved and protect the amenity of the area.

SURRENDER OF EXISTING CONSENT

4. **The existing consent (DA1995/123) is to be surrendered prior to the commencement of operations under this consent.**

Reason To ensure only relevant consents are valid for the subject land and to protect the environment.

EXPIRY OF CONSENT

5. **This consent shall last for a total of 25 years from the date of consent. The consent shall consist of the following:**
- **5 years commencing upon surrender of the previous consent at a maximum extraction rate of 490,000t per annum;**
 - **A further 20 years at a maximum extraction rate of 70,000t per annum.**

Reason: To ensure quarry operations are in accordance with updated environmental requirements.

IDENTIFICATION OF APPROVED QUARRY AREA

6. **The boundaries of the approved quarry footprint, as identified in the approved quarry plan, shall be clearly marked on site prior to commencement of extraction. The developer shall ensure:**
- The location of boundaries is confirmed by survey and submitted to Richmond Valley Council prior to commencement**
 - The markers are easily identifiable and sufficiently durable,**
 - The markers remain in place for the life of the consent,**
 - All contractors and employees on the site are made aware of the quarry boundary and that no works extend beyond the markers.**

Reason: To provide visual identification of the approved development area.

DOCUMENTATION

7. **A copy of all the approved documents related to this consent, shall be kept on site at all times and shall be made available upon inspection by Council or an authorised government agency.**

Reason: to ensure all documents are available on inspection.

8. **An Annual Return detailing the amount of material extracted and area of extraction shall be provided to Council.**

Reason: To ensure compliance with the development consent and plans.

HAULAGE ROUTE

9. The haulage route shall be the sections of roads as follows:
- Truck movements per hour are limited to 12 trucks per hour (in) and 12 trucks per hours (out) along Broadwater Quarry Road, and Broadwater Evans Head Road. This hourly maximum is within the daily totals detailed in Condition 2.
 - No haulage is permitted on any other local road in the Broadwater village area.
 - No limit is imposed on haulage traffic within the quarry site, and directly to the Pacific Highway Upgrade corridor.
 - During the period of operation of the 490,000 tonnes per year, use of Broadwater Evans Head Road is limited to the section from Broadwater Quarry Road to the existing Pacific Highway, and from Broadwater Quarry Road to and including the new interchange off and onto the Pacific Highway Upgrade.

Accurate details must be kept and provided if requested to demonstrate compliance with this condition.

Reason: To correctly describe what has been approved, traffic safety and protect the amenity of the area (EPA Act Sec 4,15).

IMPORTED FILL

10. Only clean, uncontaminated fill may be used on the site. Documented evidence validating the fill, including the source site history confirming concentration levels are below acceptable limits prepared by a suitably qualified person with consideration to all relevant guidelines standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC), shall be submitted to council.

Reason: To protect the environment and public health.

MEANS TO WEIGH MATERIAL

11. Accurate records of quantities extracted are to be kept, maintained and available for inspection by authorised Council officers on request. The method of recording and the location where records are to be kept are to be outlined in the Quarry Environment Management Plan.

Reason: To ensure quantities of extracted materials can be determined and managed.

PROVISION OF AMENITIES

12. Provision of adequate toilet facilities shall be established onsite.

Reason: To provide necessary facilities to service the development.

QUARRY ENVIRONMENTAL MANAGEMENT PLAN

13. Prior to the commencement of extraction operations, an amended Quarry Environmental Management Plan (QEMP) shall be submitted to and approved by Richmond Valley Council to include the following items as requested by Office of Environment and Heritage:
- a. update Section 8.6 of the Flora and Fauna Management Plan to include:
 - i. a map indicating the areas of ecological significance / biodiversity value, as indicated in the Biodiversity Assessment Report (BAR) including all adjacent plant community types and areas of habitat. The map should contain the location of Eversons Creek and its tributaries including any required vegetated riparian zone as outlined by the NSW Water

guidelines, which can be obtained at http://www.waternsw.gov.au/data/assets/pdf/0004/547222/licensing_approvals_controlled_activities_riparian_corridors.pdf

- ii. a map indicating the location, type and installation requirements of the fencing used to indicate the 'no-go' areas, and a requirement to install signage to enforce the operational limits of the quarry. This map should also include the location of any other mitigation measures listed as part of the BAR in Section 4.2.
 - iii. consideration of Eversons Creek and its direct flow and potential impacts to Broadwater National Park, by applying the OEH guidelines for development adjoining reserves located at <http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines>.
 - iv. in the 'Strategies/mitigation Measures' section, a requirement that no encroachment is permissible into the established or designated buffers applied to wetlands, endangered ecological communities and vegetated riparian zones.
 - v. in the 'Monitoring' section, the monitoring of the adjoining plant community types (endangered ecological communities) as identified in Section 3.2.1 and Figure 3.1 of the BAR. This section should detail the methodology, timing, reporting and responsibilities (include qualification levels) to complete this task, as well as clear management triggers and corrective measures.
- b. update Section 8.7 Weed Management Plan to:
- i. address weeds relative to the *Biosecurity Act 2015* and the North Coast Regional Strategic Weed Management Plan 2017-2022, particularly priority weeds and those of concern within the Quarry footprint and adjoining areas, especially those of high biodiversity value.
 - ii. link Section 8.7 Weed Management Plan, with monitoring undertaken in the Quarry footprint and within the adjoining plant community types, as per recommendation 1(a)(v) above.

Reason: To ensure the QEMP includes recommendations from the Biodiversity Assessment Report.

WATER MANAGEMENT

14. Should ground water be intercepted at any stage during extraction operations, all works are to cease immediately and the NSW Department of Industry - Water is to be notified immediately. No works will be permitted to recommence without the written authorisation of the NSW Department of Industry - Water.

Reason: To ensure compliance with application and plans.

WASTE MANAGEMENT

15. An acceptable number of suitable waste containers must be kept on the premises for the storage of garbage. The garbage is to be disposed of at a licensed landfill or collected by a licensed waste contractor.

Reason: To protect the environment.

HAZARDOUS MATERIALS

16. All hazardous materials, including fuels, oils and chemicals are to be contained in a roofed and bunded area with the bund to have a capacity of 110% of the largest container.

Reason: To comply with AS1940-2004, The storage and handling of flammable and combustible goods.

17. The maximum quantities for the storage of dangerous goods and combustible liquids are to be in accordance with AS1940-2004 - The storage and handling of flammable and combustible liquids.

An appropriate spill kit is to be kept on site at all times. Employees are to be made aware of the location and how to use the contents. In the event of a spill occurring within or outside of the bunded area the contaminated area is to be cleaned immediately. All spills are to be recorded in an incidents book.

Reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development.

BLASTING and FLY ROCK MANAGEMENT

18. The quarry operator shall notify Richmond Valley Council Customer Service at least 24 hours in advance of any blast event.

Reason: To ensure Council is aware of any proposed blasting operations.

19. Prior to the commencement of the initial blast event, a dilapidation survey shall be carried out on the dwelling house located on Lot 1 DP 102890 by an independent qualified person. A copy of the report it shall be submitted to Council within 5 working days of its completion.

Reason: To ensure a baseline is established for any existing damage to the dwelling house.

ENVIRONMENTAL HEALTH

20. All vehicle movements are to comply with the outcomes of the Traffic and Pavement Impact Assessment Report dated November 2017 and updated August 2018 prepared by TRAFFIC TRANSPORTplus and the Strategies/mitigation measures and monitoring identified in Section 8.2 Noise Management Plan of the QEMP.

Reason: To ensure compliance with the plans and protect the overall amenity of the surrounding area.

21. Reference to the Traffic and Pavement Impact Assessment Report and Section 8.2 Noise Management Plan of the QEMP is to be included as part of the Code of Conduct for Drivers.

Reason: To ensure that all drivers are aware of their environmental responsibilities.

ANNUAL PERFORMANCE REPORTING

22. Within one month of the end of every annual report period, or other timing as may be agreed with Council, the quarry operator shall submit to Richmond Valley Council a Performance and Environmental Management Report. The Report must review the environmental performance of the development including:

- a. A description of the development that was carried out in the previous year, and the development that is proposed to be carried out over the next year including quarry production and transport data, details of proposed working stages, stages to be opened and/or closed and rehabilitation works.
- b. A review of the QEMP and a description of any proposed amendments to the current QEMP.
- c. An assessment of rehabilitation works completed during the year against the QEMP and review of the importation of material. A calculation shall be undertaken to ensure sufficient soil is available for ongoing rehabilitation works over the life of the quarry.
- d. A comprehensive review of the monitoring results and complaints records of the development over the previous year, which includes a comparison of these results against the:
 - i. the relevant statutory requirements, limits or performance measures/criteria;
 - ii. requirements of any plan or program required under this consent, including the Transport Management Plan and Code of Conduct;
 - iii. the monitoring results of previous years;
 - iv. the relevant predictions in the EIS; and
 - v. a copy of the annual return submitted to the Environmental Protection Authority for the current year.
- e. A statement of compliance with each of the relevant conditions of this consent including identification of any non-compliance over the last year, and a description of what actions were taken and will continue to be taken to ensure compliance. Identified actions shall be included in an amendment to the QEMP.

- f. Identification of any trends in the monitoring data over the life of the development.
- g. Identification of any discrepancies between the predicted and actual impacts of the development and analyse the potential cause of any significant discrepancies.
- h. A description of measures that will be implemented over the next year to improve the environmental performance of the development.
- i. Monitoring and environmental reporting is to be completed by an independent suitably qualified person. Following submission of the Performance and Environmental Management Report and subject to approval by Richmond Valley Council, the QEMP may be replaced with an amending Plan. Any Quarry Environmental Management Plan remains current until an amended plan is approved by Richmond Valley Council.

Reason: To monitor performance of the development.

SITE REHABILITATION

23. Rehabilitation is to be undertaken as outlined in Section 9 Rehabilitation Management Plan of the QEMP. The quarry operator shall rehabilitate the site to the satisfaction of Richmond Valley Council in accordance with a Rehabilitation Plan. Council is to be notified 2 months prior to the commencement of each stage of rehabilitation.

Vegetation replanting is to be undertaken progressively, as soon as practicable for the relevant stage of the development and monitored throughout the life of the development. Any unsuccessful tree planting is to be replaced and maintained in accordance with the procedures outlined in the Rehabilitation Plan within the QEMP.

After the completion of each rehabilitation stage, an independent assessment is to be obtained and submitted to Council.

Reason: To ensure the future integrity of the natural environment.

TRAFFIC MANAGEMENT

24. The quarry operator shall prepare and enforce a Truck Management Plan and Code of Conduct for Drivers. The documents shall be submitted to Richmond Valley Council prior to commencement of transport operations. The Management Plan must include but may not necessarily be limited to:
- a. A driver training and induction procedure. This shall include a requirement for drivers 'contractors to sign a Code of Conduct acknowledging that they agree to comply with the requirements and ongoing education about requirements. A statement acknowledging that by signing the Code of Conduct they understand and can abide by the procedures is to be included.
 - b. Compliant investigation procedure and procedure for dealing with non-compliant drivers.
 - c. Method of monitoring truck speeds by the operator.
 - d. Record keeping including any proposal to keep log books of truck journeys and complaints. Such records are to date and time of any complaints or monitoring, name of person making complaint, if given, name of authorised person, reason for complaint or monitoring, outcome and steps taken to remediate any investigation relating to a complaint or monitoring. The signature of an authorised person is required to acknowledge the outcome of any complaint or monitoring investigation. The record book is to be kept on site at all times and made available to authorised officers of Council or the EPA as required. Richmond Valley Council is to be notified of the outcome of any investigations or breaches.
 - e. Management of truck movements to avoid queuing along the haulage route and internal access.
 - f. Identification markings on trucks contracted to haul/work for the quarry, hours for travel to and from the site, speeds, an induction process for vehicle operators, measures to reduce traffic noise, safe distances between trucks, traffic safety and courteousness, locations of sensitive receiver safety initiatives for trucks travelling along school bus routes and through residential areas and school zone, identification and enforcement.

The quarry operator shall ensure all drivers adhere to the Code of Conduct, promptly address any complaints or community issues and shall take or implement any reasonable mitigation measures as required.

Reason: To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations.

COMMUNITY RELATIONS

Complaints Register

25. The quarry operator shall nominate a contact person and telephone number for the benefit of the community and establish a complaint register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address the complaint. The register shall be made available to Council upon request.

Reason: To ensure residents have a dedicated contact for the quarry operations.

BUILDING

26. A Construction Certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

Reason: Required by Section 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.

27. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.

Reason: Required by Section 6.6(2) (formerly Section 81A(2)) of the Environmental Planning and Assessment Act, 1979 and Clause 136 of the Environmental Planning and Assessment Regulation, 2000.

28. Notification of appointment of the Principal Certifying Authority must be submitted to the Council two (2) days prior to the commencement of work.

Reason: Required by Section 6.6(2) (formerly Section 81A(2)) of the Environmental Planning and Assessment Act, 1979 and Clause 135 of the Environmental Planning and Assessment Regulation, 2000.

29. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday - 8.00 am to 1.00 pm.
- c) No construction work which will adversely impact on the amenity of the area is to take place outside the above hours, including Public Holidays.

Reason: To preserve the amenity of the area.

30. All plumbing, drainage and stormwater work must be in accordance with AS3500, All Plumbing and Drainage work must be carried out by a licensed person.

Reason: Required by the Plumbing and Drainage Act 2012 and it's Regulation.

31. Roof water shall be disposed of without nuisance.

Reason: To ensure adequate and safe disposal of stormwater.

32. The occupation or use of the building must not commence until an Occupation Certificate has been issued by the Principal Certifying Authority. Where Council is not the Principal Certifying Authority then all documentation must be forwarded to Council within seven (7) days of issue.

(N.B. All Critical Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: To monitor compliance with the Development Consent and Construction Certificate.

INFRASTRUCTURE

33. Works within any part of the road reserve which will impact on pedestrians or traffic flow (including temporary site fencing which restricts pedestrian access, temporary disruption to traffic, etc) requires the preparation of a Traffic Control Plan. The Plan shall comply with the provisions of the Roads and Maritime Services (formerly RTA) document "Traffic Control at Work Sites" manual and shall be prepared by a person who is qualified, authorised and has passed an Roads and Maritime Services (formerly RTA) approved training course. The TCP designer's certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to Richmond Valley Council prior to the commencement of works in the road reserve.

Safe public access around any works shall be provided at all times unless detailed in the Traffic Control Plan.

Any advertising required to be undertaken by Council shall be at the developer's cost.

All contractors working on such road reserve areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council prior to the commencement of works.

Reason: To ensure works carried out in the road reserve are carried out in a safe environment.

34. A contribution under Section 7.11 (1)(b) (formerly Section 94 (1)(b)) of the Environmental Planning and Assessment Act 1979, amounting to \$1.198 (as at 13/2/2019) per tonne of material transported to and from the site via Broadwater Quarry Road is to be paid to Richmond Valley Council. The base rate is as per the category Mines (Extractive) Heavy Haulage > 20,000 m³ per annum. Contributions under this Plan shall be levied quarterly and based upon lodgement of quarterly returns itemising extraction/importation tonnages for the previous quarter. Rates provided are correct at the time of this consent and are subject to variation based upon CPI in accordance with the Richmond Valley Council Section 94 Heavy Haulage Contributions Plan 2013.

Option 1 of Condition 36 requires the full construction and sealing of a dead end road that will only access the quarry. The full S7.11 Heavy Haulage rate will apply to all material exiting the quarry via Broadwater Quarry Road.

Option 2 in Condition 36 proposes a Memorandum of Understanding (MOU) for the management of noise and dust issues on the Broadwater Quarry Road gravel pavement for the increased extraction period (70,000 tonnes per annum to 490,000 tonnes per annum for 5 years). A modified Heavy Haulage rate may be negotiated in conjunction with the triggers/responses/extent and frequency of management works agreed as part of the MOU for Broadwater Quarry Road. The contribution rate will revert to the full rate at the completion of the MOU.

Reason: To provide funds for the road maintenance in accordance with Richmond Valley Council's Section 94 Heavy Haulage Contributions Plan 2013.

35. The developer shall provide the following road works (Option (1) or (2)) for the control of dust and noise on Broadwater Quarry Road, with any necessary stormwater drainage structures, which have been designed and constructed in accordance with Council's Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual.

Option 1

Construction and sealing of a 6 metre wide seal for the length of Broadwater Quarry Road, from the entrance to the quarry to the existing seal at the Broadwater Quarry Road / Broadwater Evans Head Road intersection. (Approximately 550 metres.) Road works

include pavement design, drainage design, construction and sealing of the proposed roadway in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual.

Pavement design plans and proposed sealing details are to be submitted to and approved by Richmond Valley Council prior to the commencement of any road construction works.

Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve shall be made to Council by any contractor proposing to carry out any such works prior to any such works commencing.

The developer shall be responsible for any costs, including maintenance, for a period of twelve months from the date of approval of completion of the work.

Option 2

The operator/owner of the quarry shall manage noise and dust issues on the Broadwater Quarry Road pavement for the duration of the increased extraction period (70,000 tonnes per annum to 490,000 tonnes per annum for 5 years). The management shall be via a Memorandum of Understanding (MOU) with Richmond Valley Council. Pavement management may include an overall Section 138 Roads Act activity approval, pavement repairs to minimise noise generation (potholes, rutting, heaving, corrugations, etc), and watering to minimise dust generation from vehicles accessing the quarry, with notification triggers to the adjacent residence when roadworks may interrupt access. A modified Heavy Haulage rate may be negotiated in conjunction with the triggers/responses/extent and frequency of management works agreed as part of the MOU for Broadwater Quarry Road.

Reason: To ensure an adequate road network for traffic safety, and dust and noise suppression in accordance with adopted standards.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval for Environmental Protection Authority
under Part 3.1 of the Protection of the Environment Operations Act 1997

Administrative conditions

AI. Information supplied to the EPA

- A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- the development application 2018/0188 submitted to Richmond Valley Council on 23 March 2018;
 - any environmental impact statement Broadwater Gittos Quarry, Environmental Impact Statement dated January 2018 relating to the development; and
- A2. Fit and Proper Person**
- A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a license under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit Conditions

LI. Pollution of waters

- L1.1** Except as may be expressly provided by a license under the Protection of the Environment Operations Act 1997 in relation of the development. section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.
- L1.2** Controlled discharges from any sediment basins must not exceed a 100th percentile limit for Total Suspended Solids concentration of 50mg/L. All discharges are to fall within the pH range of between 6.5 and 8.5. There is to be no visible oils and greases in any controlled discharges from sediment basins.

- L1.3 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 60.2mm in total falling over any consecutive five day period.
- L1.4 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NM in place of TSS.
- L1.5 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTtJ and TSS.
- L1.6 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition 1.2.8 before using the revised statistical correlation.

L5. Waste

- L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Note: Condition L5.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by mother condition).

L6. Noise limits

- L6.1 Noise from the premises must not exceed
- i. an LAeq (15 minute) noise emission criterion of 44 dB(A) (7am to 6pm) Monday to Friday and 1am to 1pm Saturday; and
 - ii. an LAeq (15 minute) noise emission criterion of 41 dB(A) during the evening (6pm to 10pm) Monday to Friday; and
 - iii. at all other times, an LAeq (15 minute) noise emission criterion of 33 dB(A), except as expressly provided by these general terms of approval.
- L6.2 Noise from the premises is to be measured at "ML1" Little Pitt Street to determine compliance with this condition. This condition does not apply if written permission for an exceedance of Condition L6.1 has been provided to the EPA from property owners of sensitive receivers.

Note: Noise measurement

For the purpose of noise measures required for this condition, the LAeq noise level must be measured or computed over a period of 15 minutes using 'FAST' response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

- 1 metre from the facade of the residence for night time assessment;
- at the residential boundary
- 30 metres from the residence (rural situations) Mere boundary is more than 30 metres from residence.

- L6.3 The noise emission limits identified in L6.1 apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:
- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
 - where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

- L6.5 Activities at the premises may only be carried on between:
7am and 6pm Monday to Friday; and 8am and 12 midday on Saturday. The quarry is not to operate on Sundays and Public Holidays.

- L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L6.7 The hours of operation specified in conditions L6.5 and L6.6 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Blasting

Overpressure

- L7.1 The overpressure level from blasting operations on the premises must not:
- Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 month period or one blast in each 12 month period (whichever is the greater); and
 - Exceed 120dB (Lin Peak) at any time,

The air blast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be assessed to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring air blast overpressure.

Ground vibration (ppv)

- L7.2 Ground vibration peak particle velocity from the blasting operations at the premises must not: Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and Exceed 10mm/s at any time, when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

- L7.3 Blasting operations on the premises may only take place between 9:00am and 3:00pm Monday to Friday. (Where compelling safety reasons exist, a blast to occur outside the above hours. Prior notification of any such variation must be made to the EPA).
- L7.4 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of blasting

- L7.5 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Note:

The restrictions on times and frequency of blasting referred to above are based on the ANZEC guidelines — 'Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration' September 1990.

Operating Conditions

Dust

- O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Stormwater/sediment control- Construction Phase

- O3.1 A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and or waters during

construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater. Soils and Construction (available from the Department of Housing).

Storm water/sediment control- Operation Phase

- O4.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construct on activities.

Noise

Blast management protocol

- O7.1** A Blasting Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:
- compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and program;
 - monitoring program for flyrock distribution*;
 - measures to protect underground utilities (eg: rising mains subsurface telecommunication and electric cables) and livestock nearby;
 - notification of procedures for neighbours prior to detonation of each blast

Measures to ensure no damage by flyrock to people, property, livestock and power lines

Monitoring and recording conditions

M1 Monitoring records

- M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.
- M1.2** All records required to be kept by the licence must be:
- i. in a legible form, or in a form that can readily be reduced to a legible form;
 - ii. kept for at least 4 years after the monitoring or event to which they relate took place; and produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

- M2.1** For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Sediment Basin Discharge Point

Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
(Data provided as example only)			

Oil and grease	visible	Special Frequency 1	Visual inspection
pH	pH	Special Frequency 1	Probe
Total suspended solids	mg/L	Special Frequency 1	Grab sample

Special Frequency 1 means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 60.2 mm over any consecutive five day period.

M4.2 Monitoring for the concentration of a pollutant discharged to waters required by condition M3 must be done in accordance with:

- i. the Approved Methods Publication; or
- ii. if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- iii. unless otherwise expressly provided in the licence,
- iv. method set out in the relevant load calculation protocol for the fee-based activity classification.

Blast Monitoring

M5.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at 30 metres from residences.

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

General Conditions

61. Community liaison

G1.1 The applicant must establish a community environment liaison committee, comprising representatives of the community and the applicant that will meet at least quarterly. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impact of the development, with a view to achieving mutually satisfactory solutions.

Operating conditions

Activities must be carried out in a competent manner.

Licensed activities must be carried out in a competent manner.

This includes:

- a.** the processing, handling, movement and storage of materials and substances used to carry out the activity; and

- b.** the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a.** must be maintained in a proper and efficient condition; and
- b.** must be operated in a proper and efficient manner.

The sites sediment basin/s must be maintained and operated to ensure that:

- All 5 - day rainfall events up to 60.2 mm (the 90th percentile 5 day rain event) are captured.
- Any discharge from the sediment basin that occurs as a result of rainfall below the 5-day total of 60.2 mm must meet the limit conditions specified in condition L2.4.

Sediment Basins shall be treated, if required, to reduce the Total Suspended Solids level to the licenced concentration limit before being discharged to the environment. Treatment can be with gypsum or any other material that has been approved by the EPA.

All liquid chemicals, fuels and oils must be stored in tanks or containers inside suitable bund(s). Bund(s) are to be designed, constructed and maintained in accordance with AS1940-2004 Storage and Handling of Flammable and Combustible Liquids.

Each sedimentation basin must have a marker (the 'sedimentation basin marker') that identifies the upper level of the sediment storage zone.

Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

The licensee must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a)** the clear identification of each sediment basin and discharge point:
- b)** the collection of representative samples of the water discharged from the sediment basin(s); and access to the sampling point(s) at all times by an authorised officer of the EPA.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint:
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a.** Statement of Compliance; and
- b.** Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note *The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a.** the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b.** the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: *An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a.** in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b.** in relation to the revocation of the licence — the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder, or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- i. the cause, time and duration of the event;
- ii. the type, volume and concentration of every pollutant discharged as a result of the event;
- iii. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- iv. the name address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- v. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- vi. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event:

vii. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

- Copy of licence kept at the premises.
- A copy of this licence must be kept at the premises to which the licence applies.
- The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises